IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.; CORI RIGSBY; AND KERRI RIGSBY — RELATORS/COUNTER-DEFENDANTS

v. — CASE No. 1:06-cv-433-LTS-RHW

STATE FARM MUTUAL INSURANCE COMPANY et al — DEFENDANT/COUNTER-PLAINTIFF

RELATORS' INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a) and Uniform Local Rules of the United States District Court for the Northern and Southern Districts of Mississippi Rule 26.1(a), Cori and Kerri Rigsby ("Relators") make the following disclosures.

I. The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Relators:

The Relators are knowledgeable of the subject matter of this lawsuit.

- Cori Rigsby, 2409 Cleveland Avenue, Pascagoula, MS 39567, (228) 324-4407.
- Kerri Rigsby, 2916 N. 4th Street, Ocean Springs, MS 39564, (228) 324-4177.

Haag Engineering Co.:

- Tim Marshall: Tim Marshall is the author of the Haag Report.
- Paul O'Connor: Paul O'Connor is the custodian of records for Haag Engineering.

Forensic Analysis & Engineering Corporation:

- Robert Kochan: Robert Kochan is the head of Forensic. He is knowledgeable of Forensic's inspection of the McIntosh claim, and he communicated with State Farm regarding the protocol for engineering reports.
- Brian Ford: Brian Ford drafted the initial McIntosh report.
- John Kelly, 3904 Queen Elizabeth Drive, Ocean Springs, MS 39564: John Kelly revised Brian Ford's conclusions in the McIntosh report.
- Emanuel Manon: Emanuel Manon is a Forensic engineer who drafted several reports for which the conclusions were later changed.

- Adam Sammis: Adam Sammis is a Forensic employee who spoke with Alexis King about the McIntosh report.
- Randy Downs: Randy Downs is a Forensic employee who criticized State Farm's instructions for handling engineering claims.
- Nellie Williams: Nellie Williams is a Forensic employee who is believed to be knowledgeable of Forensic's documents and records.

State Farm Mutual Insurance Company:

- Alexis King, 9530 Lorikeet Lane, Pensacola, FL 32507: Alexis King described herself as the "go to person" for handling flood claims.
- Michael Ferrier: Michael Ferrier is knowledgeable of State Farm's procedures for handling flood claims and State Farm's communications with the National Flood Insurance Program.
- Juan Guevara: Juan Guevara was identified by Alexis King as having directly communicated with the National Flood Insurance Program regarding the use of XACTOTAL in adjusting claims.
- Stephan Hinkle: Stephan Hinkle authored the wind/water protocol.
- David Randel: Dave Randel is knowledgeable of State Farm's blanket ordering and cancellation of engineering reports.
- Cody Perry: Cody Perry adjusted the McIntosh claim.
- John Conser: John Conser supervised Cody Perry and approved the use of XACTOTAL.

National Flood Insurance Program:

- James Shortly: James Shortly was the FEMA Director of Claims during Hurricane Katrina. He authored several FEMA memos relating to the claims handing procedures used during Hurricane Katrina
- David Maurstad: David Maurstad was the FEMA Acting Administrator/Director of the Mitigation Division during Hurricane Katrina. He authored FEMA Memo W-5054 regarding flood claim handling standards during Hurricane Katrina.

McIntosh Neighbors:

The following individuals were neighbors of Thomas and Pamela McIntosh when Hurricane Katrina struck the Gulf Coast. They are believed to have witnessed the damage sustained by the McIntosh home.

- Mendy Briscoe
- Mike Church
- Ron Mucha
- Linda Mucha
- Craig Robertson

II. A copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may be used to support its claims or defenses, unless the use would be solely for impeachment.

The Relators were previously ordered to return to E.A. Renfroe all documents in their possession that they "downloaded, copied took or transferred from the premises, files, records or systems of Renfroe or any of its clients, including but not limited to State Farm Insurance Company." *See E.A. Renfroe & Co., Inc v. Moran, et al*, No. 06-cv-1752 (N.D. Ala. Dec. 8. 2006) (doc. no. 60). As a result, the only documents in the Relators' possession, custody, or control that may be used to support their claims or defenses are documents that were produced to them in the course of this litigation, and documents that are available from the public record. These documents include:

- Certified copy of the McIntoshes' Flood policy
- Certified copy of the McIntoshes' Homeowners policy
- The McIntosh Flood File
- The McIntosh Homeowners File
- Portions of Forensic's file for the McIntosh claim
- State Farm's NFIP WYO Arrangement for 2004 – 20005
- Photos of the McIntosh home taken from the Homeowner and Flood Claims Files
- Brian Ford's October 12th Engineering Report
- John Kelly's October 20th Engineering Report
- Hurricane Katrina Damage Survey, prepared by Haag Engineering
- FEMA Memos dated August 31, September 1, and September 21, addressing claims handling procedures during Hurricane Katrina
- The Wind/Water Protocol

- Mike Ferrier Stick-Build Estimate of Flood Loss to McIntosh Property
- NFIP Adjuster Claims Manual
- FEMA Coastal and Riverine High Water Mark Collection for Hurricane Katrina in Mississippi
- October 11, 2005, 10:41 AM email from Williams to Kochan
- Mark Wilcox Sample Engineering Report
- May 14, 2009 Mike Church Declaration
- November 17, 2005, 11:45 PM email from Kochan to Forensic
- October 11, 2005, 10:50 AM email from Forbes to Sammis
- October 13, 2005, 11:25 AM email from Downs to Forensic
- October 13, 2005, 11:32 AM email for Downs to Sammis, cc'ed to Forbes, Kochan, Williams
- October 17, 2005, 2:39 PM email from Sammis to Kochan and Williams
- October 17, 2005, 8:52 PM email from Ford to Kochan
- October 17, 2005, 3:33 PM email from King to Williams, cc'ed to Dave Randel (at State Farm); Sandy Schmidt (at State Farm); David Haddock (at State Farm); and Lecky King
- October 17, 2005, 7:51 PM email for Kochan to Ford, cc'ed to Downs and Williams
- October 18, 2005, 8:54 AM email from Downs to Kochan, cc'ed to Williams
- October 18, 2005, 6:37 PM email from Kochan to Williams, Sammis and "Admin."
- January 10, 2006, 9:26 AM email from Kelly to Forbes, Kochan, Kelly and Forbes, cc'ed to Downs, Williams
- October 17, 2005 email from King to Nellie Williams re: Engineer Inspections
- October 24, 2005 email from King to Tracy Moreno re: Engineer's Reports

- October 4, 2005 email from Rick More to Kevin Peterson cc'ing Lecky King 10/4/05
- September 9, 2005 email from Lecky King re: Wind vs Water
- September 10, 2005 email from Mike Tucker to Lecky King re Important NFIP proposal
- September 13, 2005 email from Jody Prince to Tracy Moreno re: Adjuster preliminary damage
- September 21, 2005 email from Mike Tucker to Lecky King re FW: NFIP update

III. A computation of each category of damages claimed by the disclosing party.

The Relators claim, on behalf of the United States, all damages allowable under the False Claims Act, 31 U.S.C. § 3729 *et seq*. This includes (1) damages in the amount of three times the amount of damages the Government sustained as a result of submission of false claims and conspiracy to submit false claims following Hurricane Katrina; (2) a civil penalty against the Defendants each jointly and severally for the maximum amount allowed under 31 U.S.C. § 3729(a); and (3) all attorney's fees and costs allowable pursuant under 317 U.S.C. § 3730(d). The actual amount of excessive flood payments as well as the number of false claims will be established at trial.

THIS the 13th day of November, 2009

Respectfully, submitted,

/s/ C. Maison Heidelberg
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CERTIFICATE OF SERVICE

I, C. Maison Heidelberg, attorney for Cori Rigsby and Kerri Rigsby, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via electronic mail and first class mail:

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